



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of August 7, 2017

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#17-247 *People v. Calavano*, S242474. (H042950; nonpublished opinion; Santa Clara County Superior Court; C1496622.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Did the trial court abuse its discretion by ordering defendant to pay restitution to cover the cost of the victim's increased residential security measures, although defendant was not convicted of committing a violent felony? (See Pen. Code, § 1202.4(f)(3)(J).)

#17-248 *Quigley v. Garden Valley Fire Protection Dist.*, S242250. (C079270; 10 Cal.App.5th 1135; Plumas County Superior Court; CV1000225.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Did defendants forfeit the immunity provided under Government Code section 850.4 for governmental entities involved in firefighting by failing to timely raise the defense before trial? (2) Does section 850.4 apply to immunize defendants in an action for personal injuries allegedly caused by a dangerous condition of property being used as a firefighting facility, where plaintiff's injuries did not result from a condition of that property that rendered it inoperative, useless, or otherwise less effective in aiding defendant's firefighting efforts?

#17-249 *People v. Cahill*, S242986. (F071407; nonpublished opinion; Fresno County Superior Court; F13906055.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-250 *People v. Jurado*, S242994. (B271171; nonpublished opinion; Los Angeles County Superior Court; KA031959.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Cahill* and *Jurado* deferred pending decision in *People v. Page*, S230793 (#16-28), which presents the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

#17-251 *People v. Matteucci*, S242140. (F070491, nonpublished opinion; Tulare County Superior Court; VCF260283.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. DeHoyos*, S228230 (#15-171), which presents the following issue: Does the Safe Neighborhood and Schools Act [Proposition 47] (Gen. Elec. (Nov. 4, 2014)), which made specified crimes misdemeanors rather than felonies, apply retroactively to a defendant who was sentenced before the Act’s effective date but whose judgment was not final until after that date?

#17-252 *People v. Taylor*, S242257. (B268854; nonpublished opinion; Los Angeles County Superior Court; LA049790.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus.

#17-253 *People v. Vaughn*, S242779. (E066443; nonpublished opinion; Riverside County Superior Court; RIF129904.) Petition for review after the Court of Appeal affirmed an order denying a post-conviction motion to modify sentence.

The court ordered briefing deferred in *Taylor* and *Vaughn* pending decision in *People v. Valenzuela*, S232900 (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

#17-254 *People v. Valdez*, S242240. (C077882; 10 Cal.App.5th 1338; Sacramento County Superior Court; 00F00630.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Frierson*, S236728 (#16-362), which presents the following issue: What is the standard of proof for a finding of ineligibility for resentencing under Proposition 36?

DISPOSITIONS

The following case was transferred for reconsideration in light of *Weatherford v. City of San Rafael* (2017) 2 Cal.5th 1241:

#14-125 *Dane v. City of Santa Rosa*, S221341.

Review in the following cases, which were granted and held for *People v. Romanowski* (2017) 2 Cal.5th 903, was dismissed:

#16-32 <i>People v. Garness</i>, S231031.	#16-253 <i>People v. Cano</i>, S234809.
#16-37 <i>People v. Wood</i>, S230650.	#16-276 <i>People v. Ramos</i>, S235713.
#16-42 <i>People v. Avila</i>, S231790.	#16-308 <i>People v. Gonzalez</i>, S236122.
#16-43 <i>People v. Banuelos</i>, S231180.	#16-375 <i>People v. Hernandez</i>, S237328.
#16-44 <i>People v. Cook</i>, S231563.	#16-376 <i>People v. Valdez</i>, S237280.
#16-45 <i>People v. Peacock</i>, S230948.	#16-391 <i>People v. Medina</i>, S237494.
#16-79 <i>People v. Segundo</i>, S232270.	#16-412 <i>People v. Varner</i>, S237679.
#16-80 <i>People v. Thibodeaux</i>, S232245.	#16-423 <i>People v. Ploss</i>, S238063.
#16-89 <i>People v. Fernandez</i>, S232413.	#16-424 <i>People v. Poles</i>, S237683.
#16-98 <i>People v. Aumoeualogo</i>, S232375.	#16-425 <i>People v. Smith</i>, S237943.
#16-99 <i>People v. Thomas</i>, S232649.	#16-426 <i>People v. Suniga</i>, S237989.
#16-124 <i>People v. Nichols</i>, S233055.	#16-434 <i>People v. Evans</i>, S238173.
#16-186 <i>People v. Fernandez</i>, S233986.	#16-436 <i>People v. Olguin</i>, S238298.
#16-202 <i>People v. Barnes</i>, S234160.	#16-446 <i>People v. Martinez</i>, S238365.
#16-206 <i>People v. Ramirez</i>, S234325.	#17-21 <i>People v. Woodard</i>, S238782.
#16-226 <i>People v. Herrin</i>, S234590.	#17-120 <i>In re Edwin P.</i>, S240004.
#16-235 <i>People v. Smedley</i>, S234752.	#17-121 <i>People v. Lepe</i>, S240423.

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.